

REMARKS

Claims 8 – 15 are now in the application after amendment herein. The examined claims 8-13 were rejected under Section 103 over Chen (U.S. 2003/0200321) in view of Weinstein (U.S. 2002/0191572). Applicants respectfully request allowance of the claims in view of the foregoing amendments and the remarks which now follow.

The rejection is overcome based on numerous amendments to the independent claims 8 and 13. Also, an apparent misunderstanding is noted, in that the Chen reference was mistakenly construed as being directed to an “automation network” (see page 3 of the office action) while neither the cited passages (par. 22) nor Fig. 1 disclose such. In fact, par 22 merely refers to automation of a configuration. As clearly explained in the specification and the claims (as amended) the claimed automation network is a network which includes process devices such as an automation device, a measurement transducer, an operating and monitoring device and a programming device.

To more clearly distinguish over the prior art claim 8 is amended to expressly recite that the tunnel has

“two end points, the first end point being in the first secure switch and the second end point being in the second secure switch ...”

Moreover, “a point-to-point connection is made between the first subscriber of the first subnetwork and the at least one process device not capable of producing a tunnel end point in the second subnetwork ...”

The rejection of claim 8 was also based on an assumption of interchangeability of the claimed secure switches and the disclosure of Weinstein. No disclosure in Weinstein relating to Ethernet switches (e.g., pars. 77, 83 and 97) compensates for deficiencies noted by the Examiner in the Chen reference.

Claim 13, directed to a secure-switch has also been amended to more clearly distinguish. Notably, the first and second tunnel endpoints define the tunnel configured to securely transmit data via an insecure network. Furthermore, the secure channel converter is configured to allocate the tunnel to the first subscriber or the plurality of first subscribers

using a subscriber address of the first subscriber or the plurality of first subscribers, thereby effecting, in combination with the second secure switch, a point-to-point connection between at least the first subscriber and the second subscriber.

With regard to the apparent contention that the secure-switch of the invention could be replaced with a VPN router, the Examiner is asked to consider explanation provided at pars [0011] and [0053] of the published application. With a tunnel end point produced in the switch, the switch assumes a substitute function for automation devices which are not themselves capable of producing a tunnel end point. There is no basis upon which a VPN gateway can be considered to perform the claimed functions. A feature of the invention is that resources required to establish the tunnel are in the switches, so the subscribers or subnetworks linked through the switches do not require the capabilities needed to effect the secure tunnel. In this regard, it is also noted that to effect point-to-point connections, for devices which communicate in level two protocols, the MAC address may be used to effect the connection. Thus it would be insufficient to argue for mere substitution of the VPN gateway of Chen with an Ethernet switch in order to recreate the invention. For reasons already argued, the claims require more.

It is also urged that the dependent claims further distinguish the invention over the prior art. The new claims 14 and 15 further present novel, non-obvious subject matter described in the specification.

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Conclusion

For all of the above reasons it is urged that the claims as now presented are allowable and allowance of the application is requested. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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